

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO. 11657/1997

Between:

Smt. Parvathamma,
W/o. Gopalaiiah,
Aged 40 years,
Ex-Adhyakshe,
Undiganal Grama
Panchayat, Arasikere
Taluk, Hassan
District.

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..Petitioner

(Sri B. Rudragowda, Advocate)

And:

1. State of Karnataka,
by its Secretary,
Department of Rural
Development, M.S. Building,
Ambedkar Road,
Bangalore-1.

2. The Assistant
Commissioner,
Hassan Sub-Division,
Hassan.

3. The Deputy Commis-
sioner, Hassan District,
Hassan.

4. Undiganal Grama
Panchayat by its
Secretary, Undiganal,
Arasikere Taluk,
Hassan Dist.

..Respondents

(K. Nagaraja, HCGP)

Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to declare that the proceedings dated 20.2.1997 vide Annexure-B is illegal and the petitioner continue as Adhyaksha of Undiganal Grama Panchayat.

This petition coming up for preliminary hearing in B group today, the Court made the following:

ORDER

The petitioner was an Adhyaksha of the Undiganal Grama Panchayat. As against him some of the members of the Grama Panchayat moved a motion of no confidence by giving notice to the Assistant Commissioner as required under Rule 3(1) of the Karnataka Panchayat Raj (Motion of no confidence against Adhyaksha and Upadhyaksha of the Grama Panchayats) Rules, 1994. On that notice the Assistant Commissioner called for the meeting fixing the date of meeting as 20.2.1997 to consider the motion of no confidence. In the meeting the motion placed for consideration has been carried by two thirds majority. This resolution is called in question by the petitioner in this writ petition on the ground that there is no ten days clear notice to the members of the Grama Panchayat.

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2. Under Rule 49 proviso ten days notice is to be given to the Assistant Commissioner expressing intention to move the resolution and not to the members of the Grama Panchayat. In the said view of the matter there is no substance in the contention of the learned counsel for the petitioner. Since the resolution has been carried by two thirds majority, I find no illegality or irregularity in passing the resolution.

3. In the result, I pass the following order:

Writ petition is rejected.

Sd/-
JUDGE

G/090698

